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EXAMINER

TUPPER, R

B5M2/0720

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ART UNIT

PAPER NUMBER

5

2512

DATE MAILED:

07/20/93

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 4/5/93 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-22 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☒ Claims 1-22 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).

12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

Applicant must correct the reference to the parent application on page 1 to state that this application is a continuation-in-part.

Claims 1-22 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is incomplete. The preamble recites "a magnetic head suspension assembly for transducing data" but the body of the claim fails to recite the head or how it is attached to the structural elements listed. The suspension elements listed do not by themselves produce transducing of data.

The following are indefinite or lack antecedent basis: "tongue" (claim 1), "outriggers or a split tongue" (claim 3), "the outer edges" (claim 3), "a platform" (claim 7), "said split tongue" (claim 11), "lateral part" (claim 11), "said leaf spring section (claim 17), and "enabling" (claim 22).

In claim 1 the orientation and configuration of the load beam elements and the flexure elements is unclear. The recitation that the load beam "sides" project into the flexure section is confusing and not accurate.

In all the claims the orientations of the listed elements is unclear.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under

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this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-5, 13, 21 and 22 are rejected under 35 U.S.C.

§ 102(a) as being anticipated by Matsumura et al.

Note figure 4. Matsumura et al. shows a unitary load beam/flexure assembly. The cutouts at the end provide the side, tongue, etc features listed. The claims do not recite the orientations and configurations involved to define over Matsumura et al.

Claims 1-5, 9, 10 and 12-20 are rejected under 35 U.S.C.

§ 102(e) as being anticipated by Blaeser et al.

Note figures 4-6 and 7-11. Blaeser et al shows a unitary load beam/flexure assembly. The cutouts at the end provide the side, tongue, etc features listed. The claims do not recite the orientations and configurations involved to define over Blaeser et al.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit 2512

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 6 and 11 are rejected under 35 U.S.C. § 103 as being unpatentable over Matsumura et al or Blaeser et al.

Matsumura et al and Blaeser et al show unitary load beam/flexure assemblies substantially as claimed. Both differ only in not specifying the listed dimensions.

Merely changing size is not patentable. See In re Rose, 220 F.2d 459, 105 USPQ, 237 (CCPA 1955); In re Yount, 171 F.2d 317, 80 USPQ 141 (CCPA 1948), Gardner v. TEC Systems, Inc., 725 F.2d 1338 (Fed. Cir. 1984).

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which

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the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 7, 8, 21 and 22 are rejected under 35 U.S.C. § 103 as being unpatentable over Blaeser et al in view of Brooks, Jr. et al.

Blaeser et al shows a unitary load beam/flexure substantially as claimed except for not showing the configuration of the top of the slider. Brooks, Jr. et al shows a "stepped" top configuration. Brooks, Jr. et al states that such is an improvement over the normal flat top. Thus both configurations are known. It would have been obvious to use any known top configuration because Blaeser et al clearly intended that any known slider be use with his suspension.

Concerning claim 8, as noted above, a mere change in size is not patentable.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Tupper whose telephone number is (703) 308-1601.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Tupper/ks
July 19, 1993

R.S. Tupper
ROBERT S. TUPPER
PRIMARY EXAMINER
GROUP 2500